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FILED
DISTRICT COURT OF GUAM
DEC 17 2002

MARY L. M. MORAN
CLERK OF COURT

10 **IN THE UNITED STATES DISTRICT COURT**

11 **DISTRICT OF GUAM**

12 GOLAM R. SARKER,

13 Plaintiff,

14 vs.

15 HYATT REGENCY GUAM, MIHIR ROUT
and DOE OFFICERS 1 through 10,

16 Defendants.

) Civil Case No. CIV 02-00023

)
)
)
) **SCHEDULING ORDER AND**
) **DISCOVERY PLAN**

17 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil
18 Procedure("FRCP") and Rules 16.1 and 16.2 of the Local Rules of the District Court of
19 Guam, and the order of the Honorable John S. Unpingco, Chief District Court Judge, the
20 parties hereby submit the following Second Amended Scheduling Order and Discovery Plan:

21 1. The nature of the case is as follows: This is an action by Plaintiff for an alleged
22 discrimination of Plaintiff by Defendants as to Plaintiff's exercise of religion in employment.

23 2. The posture of the case is as follows:

24 a) The following motions are on file: none.

1 b) The following motions have been resolved:

2 Plaintiff's motion to enlarge time for filing this pleading.

3 c) The following discovery has been initiated: None.

4 3. The parties agree that all persons and claims shall be joined to the action by no
5 later than February 28, 2003.

6 4. The parties agree that all motions to amend the pleadings shall be filed no later
7 than the last day set for filing any reply to any dispositive motion.

8 5. Pre-Trial Discovery :

9 a) The times for disclosures under Rules 26(a) and 26(e) of the Federal
10 Rules of Civil Procedure ("FRCP") are modified as follows:

11 (1) The "Initial Disclosures" described in subsections (A), (B), and
12 (D) of FRCP Rules 26(a)(1) have been provided, or will be provided by December 19, 2002.

13 (2) The "Disclosure of Expert Testimony" as required under FRCP
14 Rule 26(a)(2) shall be made at least 60 days before the discovery cut-off.

15 (3) The "Pretrial Disclosures" described in Rule FRCP Rule
16 26(a)(3) shall be made sixty days prior to the trial date, or as directed by the court; within 14
17 days thereafter, a party may make the objections provided for in FRCP 26(a)(3) in the manner
18 set forth therein.

19 b) The following is a description and schedule of all pretrial discovery that
20 Defendant intends to initiate prior to close of discovery:

21 (1) Subject to the discovery cut-off date and applicable provisions
22 of the FRCP, and the LR, the parties may each undertake at such times as each deems
23 appropriate any discovery authorized by FRCP.

24 Each party shall depose the percipient and expert witnesses identified by the
25 opposing party in pretrial discovery or whose identity is otherwise learned during the
discovery process, propound interrogatories, requests for admission and serve request for
production or other physical exam as the party deems advisable.

1 6. The Discovery cut-off (defined as the last day to file responses to discovery) is
2 July 11, 2003, for all matters.

3 7. a) The anticipated Discovery motions are: The parties reserve the right to
4 file such discovery motions as may be appropriate under the circumstances. All discovery
5 motions shall be filed on or before July 25, 2003 and heard as scheduled by the court for its
6 convenience.

7 b) The anticipated dispositive motions are: The parties reserve the right to make
8 such dispositive motions as they deem appropriate including, but not limited to, motions for
9 summary judgment and motions for judgment on the pleadings. All dispositive motions shall
10 be filed on or before August 22, 2003 and heard as scheduled by the court for its convenience.

11 8. The prospects for settlement at this time are poor.

12 9. Each party shall serve and file a Trial Brief by no later than 30 days prior to
13 trial date set by the court, or as otherwise directed by the court.

14 10. The Preliminary Pretrial Conference shall be held on a date to be set by the
15 court at least thirty days prior to the discovery cut-off, or as soon thereafter as the court can
16 accommodate the parties for the purpose of settlement. The reason for preserving this portion
17 of LR 16.7 is that the parties believe that the court may be able to facilitate settlement once
18 discovery nears completion.

19 11. The Parties' pretrial materials, discovery material, witness lists, designations
20 and exhibit lists under LR 16.7 shall be filed no later than fourteen (14) days prior to trial, on
21 such date as the court shall determine at the Preliminary Pretrial Conference or otherwise.

22 12. The Proposed Pretrial Order under LR 16.7 shall be filed no later than fourteen
23 (14) days prior to trial, as the court shall determine at the Preliminary Pretrial Conference.

24 13. The Final Pretrial Conference shall be held on such date as the court shall
25 determine.

 14. The trial shall be held on such date as the court shall set after November 1,
2003, on November 4, 2003 at 9³⁰ am.

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15. The trial shall be to a jury as to all issues.

16. It is anticipated that it will take five days to try this case.


17. The names of counsel on this case are: The attorney for the Plaintiff is Curtis C. Van de veld, Esq. The attorneys for Defendants are Calvo & Clark LLP, Micheal A. Pangelinan and Janalynn M. Cruz.

18. The parties desire to submit this case for settlement conference(s) before the court at such times as the court may find convenient.

19. The parties present the following suggestions for shortening trial: None are made at this time.

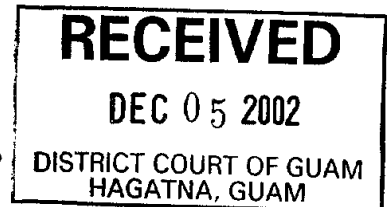
20. The following issues will also affect the status or management of the case: None known at this time.

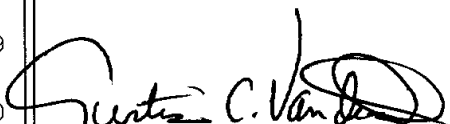
Dated: this 17th day of December 2002.



HONORABLE JOHN S. UNPINGCO
CHIEF JUDGE, District of Guam

APPROVED AS TO FORM AND CONTENT:

Calvo & Clark LLP




Curtis C. Van de veld
Attorney for Plaintiff

By: 
Michael A. Pangelinan
Attorney for Defendants

CCV/ccv
V.P.P./G.SARKKER/CV001467